

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

BRANDON-MEION BROWN,
Next Friend to PA,
Plaintiff,

v.

**BRAZORIA COUNTY SHERIFF'S
OFFICE/ JAIL, ET AL.**
Defendants.

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CIVIL ACTION NO. 4:25-CV-03231

DEFENDANT BRAZORIA COUNTY SHERIFF'S OFFICE
OPPOSED MOTION TO STAY DISCOVERY AND OTHER DEADLINES

**Brazoria County Criminal District Attorney's
Office**

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**ATTORNEYS FOR DEFENDANT
BRAZORIA COUNTY SHERIFF'S OFFICE**

TO THE HONORABLE JUDGE OF THIS COURT:

Defendant, Brazoria County Sheriff's Office, files this Motion to Stay Discovery and Other Deadlines. In support of this Motion, the Defendant shows the Court as follows:

**I.
BACKGROUND**

1. The Plaintiff in this matter is Brandon-Meion Brown on behalf of Peter-Eugene Alvarado. Defendant is the Brazoria County Sheriff's Office.
2. On July 10, 2025, Plaintiff filed an Emergency Motion for Custodial Standing/Next Friend on behalf of his minor child, Peter-Eugene Alvarado ("Alvarado"). Docket Entry ("Dkt.") 1.
3. On July 21, 2025, Plaintiff filed an Emergency Motion for Protective Custody and Immediate Transfer to a Mental Health Facility on behalf of Alvarado who is now an adult¹ with an intellectual disability. Dkt. 7.
4. On July 23, 2025, Plaintiff filed an Emergency Medical Relief Request on behalf of Alvarado. Dkt. 10.
5. On November 13, 2025, Plaintiff filed an Amended Complaint, Notice of Subpoena Filing, Joint Discovery/ Case Management Plan, Joint Discovery Plan—Maritime/ Legalese Edition, Scheduling Conference Packet—Maritime/ Legalese Edition, and Rule 26 Initial Disclosures—Maritime/ Legalese Edition. Dkts. 15, 16, 17, 18, 19, and 20.
6. Plaintiff, via certified mail, sent his Amended Complaint to Defendant on November 21, 2025. Defendant received the Amended Complaint on December 1, 2025. The Amended Complaint was the **first time** Defendant received notice of any filings in this proceeding.

¹ Peter-Eugene Alvarado turned 18 on July 14, 2025. While Alvarado was seventeen (17) he was incarcerated in the Brazoria County Jail.

7. On November 24, 2025, the Court entered an Order resetting the Initial Pretrial Scheduling Conference to February 25, 2026, and setting the deadline for the Joint Discovery and Case Management Plan 10 days in advance of the conference. Dkt. 21.
8. On December 19, 2025, Defendant filed a Motion to Dismiss for insufficient service of process and for failure to state a claim. Dkt. 23.
9. Considering the pending Motion to Dismiss, Defendant respectfully requests that the Order for Conference and Disclosure of Interested Parties be stayed at this time, pending the outcome of the Defendant's Motion to Dismiss.
10. Defendant further respectfully requests an Order staying the deadline for Defendant's time to respond to Plaintiff's discovery requests until the Court has had the opportunity to rule on the Motion to Dismiss. Defendant believes the Motion to Dismiss will narrow the scope of this suit and may serve to eliminate claims and/or Defendant from the matter.

II.

ARGUMENT AND AUTHORITIES

11. The Federal Rules of Civil Procedure presume discovery may proceed despite the filing of a motion to dismiss. District courts, however, have discretion to stay discovery pending a ruling on a motion to dismiss. *Landry v. Air Line Pilots Ass'n Intern. AFL-CIO*, 901 F.2d 404, 435–36 (5th Cir. 1990); *Petrus v. Bowen*, 833 F.2d 581, 583 (5th Cir. 1987) (“A trial court has broad discretion and inherent power to stay discovery until preliminary questions that may dispose of the case are determined”); *see also Brown v. DFS Servs., L.L.C.*, 434 F. App'x 347, 351 (5th Cir. 2011).
12. A district court may stay discovery for good cause. Fed. R. Civ. P. 26(c). Good cause exists if the party seeking the stay demonstrates that “annoyance, embarrassment, oppression, or undue

burden or expense” would result absent the stay. Fed. R. Civ. P. 26(c). A stay of discovery “may be appropriate where the disposition of a motion to dismiss might preclude the need for discovery altogether thus saving time and expense.” *United States ex rel. Gonzalez v. Fresenius Med. Care N. Am.*, 571 F. Supp. 2d 766, 768 (W.D. Tex. 2008); *see also Barrie v. Nueces Cty. Dist. Attorney’s Office*, No. 2:17-CV-00204, 2017 WL 11713691, at *2 (S.D. Tex. Nov. 13, 2017) (granting motion to stay discovery where disposition of pending motion to dismiss may dispose of all claims).

13. A stay of discovery is appropriate in this case for several reasons, including that discovery will likely be futile. *See Gonzalez*, 571 F. Supp. 2d at 768.

14. Plaintiff’s Amended Complaint has failed to plead sufficient facts to state a claim for relief. The Defendant, as a non-jural entity, is not a proper party as it lacks the legal capacity to sue or be sued as a matter of law. Dkt. 23. Additionally, Plaintiff has failed to plead any facts to allege the existence of any official policy promulgated by any official of Brazoria County that would have violated Alvarado’s constitutional rights. *Id.* Finally, Plaintiff has made the conclusory allegation that Alvarado did not receive proper ADA accommodations, but the Amended Complaint does not have any facts to support his conclusion. *Id.*

15. Accordingly, Defendant has moved to dismiss Plaintiff’s claims. Dkt. 23. Requiring Defendants to engage in disclosures, respond to other motions filed by the Plaintiff, or respond to Plaintiff’s discovery prior to the Court’s ruling on the Motion to Dismiss would be unnecessarily burdensome and expensive. *See Fed. R. Civ. P. 26(c)*.

16. The Motion to Dismiss raises threshold dispositive issues. *See Dkt. 23*. Therefore, there is good cause to stay the Court’s Order for Conference and Disclosure of Interested Parties, and to toll Defendants’ response deadlines to other motions filed by the Plaintiff until such time as a resolution is reached regarding the Motion to Dismiss.

III.
PRAYER

Defendant Brazoria County Sheriff's Office respectfully requests the Court grant this Motion to Stay Discovery and Other Deadlines pending a determination of the Motion to Dismiss. Defendant also requests the Court grant such other and further relief, both general and specific, in law or at equity, as the Court deems just and proper.

Respectfully submitted,

**Brazoria County Criminal District Attorney's
Office**

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**ATTORNEYS FOR DEFENDANT
BRAZORIA COUNTY SHERIFF'S OFFICE**

CERTIFICATE OF CONFERENCE

I, Ryan Erickson, Assistant District Attorney of Brazoria County, Texas, certify that counsel has conferred with Plaintiff, Brandon-Meion Brown on the above motion and Plaintiff is OPPOSED.

/s/ Ryan Erickson
RYAN ERICKSON

CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of December 2025, a true and correct copy of the above document was served upon the parties below:

Via Certified Mail, Return Receipt Requested

Via Regular Mail

Brandon-Meion Brown, *pro se*
P.O. Box 84
Clute, Texas 77531

Via Electronic Mail

Brandon-Meion Brown, *pro se*
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Christopher B. Gilbert
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/s/ Ryan Erickson
RYAN ERICKSON